Attorney's Docket No.: 10559-380001/P10186
Intel Corporation

RECEIVED
CENTRAL FAX CENTER

<u>REMARKS</u>

SEP 14 2006

Claims 12-16 and 18-30 are pending. Claim 17 is cancelled without prejudice. Claims 12, 16, 18-20, 25, and 27 have been amended. Claims 12, 16, and 27 are independent claims. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

The Office Action suggests that a terminal disclaimer be filed in the application to overcome the provisional double patenting rejection. A terminal disclaimer is filed in compliance with 37 CFR 1.321 with this document. Accordingly, it is respectfully requested that the provisional double patenting rejection be withdrawn.

Claims 12, 13, 16, and 25-28 are rejected under 35 USC 102(e) as allegedly being anticipated by Farrell et al. (US 6,751,663), hereinafter "Farrell". Claims 14, 17-19, and 29 are rejected under 35 USC 103(a) as allegedly being unpatentable over Farrell and Barrett et al. (US 6,633,909), hereinafter "Barrett". Claim 20 is rejected under 35 USC 103(a) as allegedly being unpatentable over Farrell, Barrett, and Libert et al. (US 6,574,655), hereinafter "Libert". Claims 21-23 are rejected under 35 USC 103(a) as allegedly being unpatentable over Farrell in view of Fletcher et al. (WO 98/26541), hereinafter "Fletcher". Claims 24 and 30 are rejected under 35

9

Attorney's Docket No.: 10559-380001/P10186
Intel Corporation

USC 103(a) as allegedly being unpatentable over Farrell in view of Libert. Claim 15 is rejected under 35 USC 103(a) as allegedly being unpatentable over Farrell in view of Barrett and in further view of Libert. These contentions are respectfully traversed.

As amended, claim 12 reads, "registering a first plurality of agents during installation, and registering an additional agent during an upgrade without modifying the first plurality of agents or discovery methodology." Farrell describes a system for collecting and aggregating data from network entities for a data consuming application. See, Abstract. Farrell states, "Individual and multiple data collectors (not referenced) can be disposed at points of presence (POP) in a network 11." See, col. 2, lines 37-39. Farrell also states, "As new network devices 12 are added to the accounting support arrangement 10, new data collectors are also deployed." See, col. 4, lines 12-14.

Farrell describes individual and multiple data collectors disposed in the network and the deployment of new data collectors as new network devices are added. But Farrell does not describe registering the data collectors during an upgrade without modifying the existing data collectors or data collection methodology. Thus, Farrell does not describe or suggest registering an additional discovery agent during an

10

upgrade without modifying the first plurality agents registered

during installation or discovery methodology, as claimed.

Accordingly, claim 12 should be in condition for allowance.

Dependent claims 13-15 should also be allowable at least for the

above reasons and the additional recitations that they contain.

Independent claim 27 recites features similar to claim 12

and should be allowable at least for the above reasons.

Dependent claims 28-30 should also be allowable at least for the

above reasons and the additional recitations that they contain.

As amended, claim 16 relates to an article comprising

instructions causing a computer to receive discovery data

collected from network devices by a first plurality of discovery

agents registered during installation, receive discovery data

collected from a network device by an additional discovery agent

registered during an upgrade, aggregate discovery data collected

from a second plurality of discovery agents, the second

plurality of discovery agents including the first plurality of

discovery agents and the additional discovery agent, generate a

relationship file characterizing relationships among network

devices identified by the second plurality of discovery agents,

coalesce the discovery data in a software file comprising a

discovery document, said discovery data including two or more

duplicate data entries, and remove all but one of the duplicate

data entries from the discovery document.

11

As discussed previously, Farrell does not describe or suggest registering an agent during an upgrade. As described in Farrell, new data collectors are deployed when new network devices are added to the accounting support arrangement. See, e.g., col. 4, lines 12-14. But, no portion of Farrell describes or suggests receiving discovery data collected from a plurality of network devices by a first plurality of discovery agents registered during installation; receiving discovery data collected from a network device by an additional discovery agent registered during an upgrade; and aggregating discovery data collected from the first plurality of discovery agents and the additional discovery agent, as claimed. Accordingly, claim 16 should be in condition for allowance. Dependent claims 18-26 should also be allowable at least for the above reasons and the additional recitations that they contain.

CONCLUSION

In view of the amendments and remarks herein, claims 12-16 and 18-30 are in condition for allowance and notice of allowance is respectfully requested. It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims)

Attorney's Docket No.: 10559-380001/P10186
Intel Corporation

that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

It is respectfully suggested for all of these reasons, that the current rejections are overcome, that none of the cited art teaches or suggests the features which are claimed, and therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Please apply the fee for a 3-Month Extension of Time, the fee for filing a Terminal Disclaimer, and any additional charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: September 14, 2006

William E. Hunter
Reg. No. 47,671
Attorney for Intel Corporation

Fish & Richardson P.C.
PTO Customer No. 20985
12390 El Camino Real
San Diego, California 92130
(858) 678-5070 telephone
(858) 678-5099 facsimile

10616528.doc

13